

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORKBIJAN KARIMIAN

(In the space above enter the full name(s) of the plaintiff(s)/petitioner(s).)

- against -

Time Equities, Inc., et al

(In the space above enter the full name(s) of the defendant(s)/respondent(s).)

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 3/1/1310 Civ. 3773 AKH

NOTICE OF MOTION

(Motion for
Reconsideration)PLEASE TAKE NOTICE that upon the annexed affirmation of BIJAN KARIMIAN
(name)
affirmed on February 28, 2013, and upon the exhibits attached thereto (delete if no
(date)
exhibits), the accompanying Memorandum of Law in support of this motion (delete if there is no

Memorandum of Law), and the pleadings herein, plaintiff/defendant will move this Court, before

Alvin K. Hellerstein, United States District/Magistrate Judge, for an order
(Judge's name) (circle one)pursuant to Rule _____ of the Federal Rules of Civil Procedure granting (state what you want the
Judge to order): Reconsider summary judgment rulingentered on January 24, 2013. See attached
letter and exhibits for additional information and
support for request.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: New York, NY
(city) (state)
February 28, 2013
(month) (day) (year)Signature Bijan Karimi
Address 330 Union St. #4
Brooklyn, NY 11231
Telephone Number 917-776-8250
Fax Number (if you have one) _____

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Bijan Karimian

(In the space above enter the full name(s) of the plaintiff(s)/petitioner(s).)

10 Civ. 3773 AKH ()

- against -

Time Equities, Inc., et al

**AFFIRMATION IN
SUPPORT OF MOTION**

(In the space above enter the full name(s) of the defendant(s)/respondent(s).)

I, Bijan Karimian ^(name) affirm under penalty of perjury that:

1. I, Bijan Karimian ^(name) am the plaintiff/defendant in the above entitled action, and respectfully move this Court to issue an order Reconsider Summary Judgment order, ^(circle one)
^(state what you want the Judge to order)

2. The reason why I am entitled to the relief I seek is the following ^(state all your reasons using additional paragraphs and sheets of paper as necessary): Please see enclosed

letter and documents in support of request.

WHEREFORE, I respectfully request that the Court grant this motion, as well as such other and further relief as may be just and proper.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: New York, NY
February 28, 2013
^(city) ^(state)
^(month) ^(day) ^(year)

Signature Bijan Karimian
Address 330 Union Street #4
Brooklyn, NY 11231
Telephone Number 917-776-8250
Fax Number (if you have one) _____

Bijan Karimian
330 Union Street, #4
Brooklyn, NY 11231

February 28, 2013

Honorable Alvin K. Hellerstein
United States Courthouse
500 Pearl Street
New York, NY 10007

RE: Bijan Karimian v. Time Equities, Inc., et. al.
Case No.: 10-Civ-3773 (AKH)

Dear Judge Hellerstein:

I am writing to request that the summary judgment ruling entered on January 24, 2013 be reconsidered/re-argued for the reasons stated below.

Your Honor, as you know I was represented by Stewart L. Karlin during these proceedings. My case was no longer represented by Mr. Karlin after the close of business on February 6, 2013. While I pursue new representation, I am pursuing this case on a Pro Se basis. Since February 7, 2013, I have been actively researching the available options and requirements of proceeding with my complaint. This has required an extensive amount of time and effort to attempt to identify and interpret the relevant Rules pertaining to my case and to prepare documents for this Motion. Obviously, I previously relied on counsel for this and appreciate your Honor granting this Motion in light of these circumstances as I only this week learned of the option to file a Motion to Reconsider/re-argue my case. Had I previously been proceeding Pro Se, I would have been more familiar with the filing requirements and options available to me.

I would like to request the Motion to Reconsider be approved for the following reasons:

1. First, the Exhibit 1, Annual review transcripts, shows not only the importance of Mr. Schermer's to Mr. Greenburger but that Mr. Greenburger raised the issue of my strained relationship several times during the November 13, 2008 and the third annual review meeting in December 2008 which Mr. Kantor attended. Additionally, these transcripts support the position that I told Mr. Greenburger of Mr. Schermer's racist comments in good faith and I was not motivated to report the comments to Mr. Greenburger because of an alleged belief that I knew things were getting tighter at the company. Furthermore, my actions in reporting the racist comments to Mr. Greenburger were within the guidelines established in, Exhibit B, Defendants' Employee Handbook, regarding harassment and grievances/disputes and that the Defendants failed to adhere to their own policies regarding these issues.

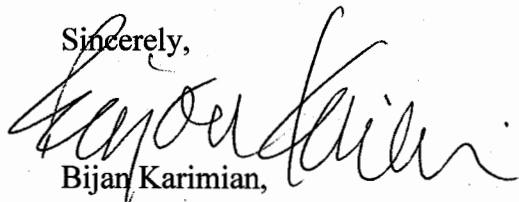
2. Second, Defendants' counsel made statements regarding facts and the timing of events that were not accurate or substantiated by documents in their Summary Judgment filing. The statements affect the accurate interpretation of these documents, facts, dates and events. The relevant documents that were misrepresented by these statements include:
 - Exhibit 1, Annual review transcripts
 - Exhibit 14, Portions of Francis Greenburger's Deposition transcripts
 - Exhibit 16, portions of Bob Kantor's Deposition transcripts
 - Exhibit 18, January 15, 2009 email and attachment from Philip Brody outlining Time Equities Acquisitions Criteria and strategy
 - Exhibit 19, TEI Business Plan from October 2008
 - Exhibit P, December 2, 2008 Memorandum to all Time Equities staff
 - Exhibit T: Memorandum prepared by Richard Recny dated December 31, 2008
 - Exhibit W: Memorandum prepared by Richard Recny dated December 1, 2008
 - Exhibit X: Memorandum from Greenburger of all Time Equities employees dated January 30, 2009
 - Exhibit CC: Handwritten notes prepared in the fall of 2008 throughout approximately May 2009 by Greenburger
 - Exhibit DD: Email correspondence from Greenburger dated December 8, 2008
 - Exhibit FF, Spreadsheet listing a number of employees in the Acquisitions and Asset Management departments and ratings reflecting his or her relative value to the company
 - Exhibit II: Listing of all Time Equities employees who were laid off, terminated or who resigned between 2008 and 2010.
 - Exhibit KK: Email correspondence prepared by Kantor dated May 19, 2009
3. Third, that the Plaintiff wrote to the judge on January 30, 2012, April 4, 2012 and June 25, 2012 regarding several outstanding discovery documents. Opposing counsel failed to produce some of the documents the Court ordered them to produce or which they agreed to produce. These documents include:

- Defendants' were ordered to produce the electronic date stamp of Mr. Kantor's utilization chart, Exhibit FF, but did not do so. Defendant's counsel claimed this document was prepared on December 4, 2012. However, there is no proof of this date.
 - As reflected in Exhibit 7, TEI bonus information, bonus payments to key people were promised but not provided, including for Luis Cozza, Chris Pulling, Hy Schermer, Aaron Madeiros, and Clifton Martin, among others.
 - Information pertaining to Luis Cozza's departure from Time Equities Inc. on August 1, 2009 and return to Time Equities in October 2009 as a licensee was not provided as ordered by the Court.
 - Monthly E*Trade brokerage statements for the account Plaintiff managed for Mr. Greenburger were not provided as agreed. The relevance of this goes to Plaintiff's claim that he was not paid a bonus for this work after he notified Mr. Greenburger of Mr. Schermer's racist comments on December 12, 2008, despite the fact that Mr. Greenburger stated he would pay Plaintiff a bonus for this work in November and early December 2008.
 - Defendants' promised to produce Atif Ali's Hedge fund but did not do so. This is relevant as it relates to actions Mr. Greenburger took to retain people that were targeted for layoff by their supervisor.
4. Finally, I would like to introduce documents relevant to my retaliation claim for reconsideration and have an opportunity to elaborate on their relevance in conference. These documents, some which are listed below and included with this letter, demonstrate that the deals I ran as of January 2009 were railroaded pretextually for false reasons one week before Plaintiff was laid off, or in the case of 245 W. 17th Street, where the Defendant continued to actively pursue the deal immediately after Plaintiff was laid off:
- Documents pertaining to the Lima deal
 - Bates # 37138 – 37140, January 6, 2009 emails between Gary Limjuco, Mr. Kantor, Plaintiff regarding Lima deal
 - Documents pertaining to 416 Washington Street deal
 - Bates # 65509 – 65514, Email communications between David and Bryan Becker and Defendants' regarding LIC Parking Garage (Arris Garage).
 - Documents pertaining to 245 W. 17th Street deal
 - Bates # 64762, January 19, 2009 email communication from Mr. Greenburger to Jonathan Miller regarding deal

- Bates # 64882, 64885 – 64886, January 23, 2009 email communications between Rob Singer, Jay Fehskens and Plaintiff regarding deal

I would like to request the opportunity to present documents into the Motion for Summary Judgment and to have a conference to argue these facts for reconsideration.

Sincerely,

A handwritten signature in cursive script, appearing to read "Bijan Karimian".

Bijan Karimian,

Plaintiff

Cc: Marjorie Kaye, Jr., Esq. via certified mail

Documents Pertaining
To Lima Deal

From: bkarimian@timeequities.com
Sent: Tuesday, January 06, 2009 3:22 PM
To: glimjuco@timeequities.com
Subject: Re: Draft letter to Jose and Bill Prater

looks good. you glong to have bob look at it?

>>> Gary Limjuco 1/6/2009 2:03:55 PM >>>
Bob/Bijan:

Please take a look at my draft letter to Jose and Bill and let me know your comments. I am not sure what we can/cannot disclose about TEI in writing.

Thanks,

Gary

Dear Jose and Bill:

Regretfully, Francis Greenburger informed us this morning that because of unforeseen events that unfolded yesterday with regard to the financing on our largest development project, he has decided to suspend investing in any further development projects for the foreseeable future. We apologize for the inconvenience this decision may cause you and we recognize that you have been very helpful in the due diligence process and extremely accommodating of our requests. Having spent the past few months working with your team and learning about the Lima, Peru market, we came away quite impressed with NDG/Grupo Innovas professionalism and the quality of your projects. In particular, we feel strongly that Dan Avnir has been an exceptional representative and advocate for your firm, for your projects and for Lima. Unfortunately, given the unprecedented financial climate in which we find ourselves, we cannot proceed with the Los Alamos transaction. We wish you much success with the growth of your company and your future endeavors.

Please do not hesitate to contact any of us directly if you wish to discuss the matter further.

Best regards,

Gary Limjuco
Bijan Karimian

Gary M. Limjuco
Director of Equity Investments
Time Equities, Inc.
55 Fifth Avenue, 15th Floor
New York, New York 10003
212-206-6040 (direct phone)
212-727-0563 (fax)
glimjuco@timeequities.com

From: bkarimian@timeequities.com
Sent: Tuesday, January 06, 2009 3:24 PM
To: glimjuco@timeequities.com
Subject: Fwd: Re: Draft letter to Jose and Bill Prater

that's good. did you see the deal memo on the garage in Long island??

>>> Gary Limjuco 1/6/2009 2:31:39 PM >>>
FYI. See Bob's changes. I want to send it as soon as you approve.

Thanks,

Gary

>>> Robert Kantor 01/06/09 2:29 PM >>>
I made some small changes. See below.

Dear Jose and Bill:

Regretfully, Francis Greenburger informed us this morning that because of unforeseen events that unfolded recently with regard to the financing on our largest development project and the very difficult to predict economic environment we are all facing, he has decided to greatly reduce his exposure in development projects for the foreseeable future. We apologize for the inconvenience this decision may cause you and we recognize that you have been very helpful in the due diligence process and extremely accommodating of our requests. Having spent the past few months working with your team and learning about the Lima, Peru market, we came away quite impressed with NDG/Grupo Innovas professionalism and the quality of your projects. In particular, we feel strongly that Dan Avnir has been an exceptional representative and advocate for your firm, for your projects and for Lima. Unfortunately, given the unprecedented financial climate in which we are all coping, we are not going to proceed with the Los Alamos transaction. We wish you much success with the growth of your company and your future endeavors.

Please do not hesitate to contact any of us directly if you wish to discuss the matter further.

Best regards,

Robert Kantor
55 Fifth Avenue
New York, New York 10003
212 206 6179
Fax 212 206 6028

>>> Gary Limjuco 01/06/09 2:03 PM >>>
Bob/Bijan:

Please take a look at my draft letter to Jose and Bill and let me know your comments. I am not sure what we can/cannot disclose about TEI in writing.

Thanks,

Gary

Dear Jose and Bill:

Regretfully, Francis Greenburger informed us this morning that because of unforeseen events that unfolded yesterday with regard to the financing on our largest development project, he has decided to suspend investing in any further development projects for the foreseeable future. We apologize for the inconvenience this decision may cause you and we recognize that you have been very helpful in the due diligence process and extremely accommodating of our requests. Having spent the past few months working with your team and learning about the Lima, Peru market, we came away quite impressed with NDG/Grupo Innovas professionalism and the quality of your projects. In particular, we feel strongly that Dan Avnir has been an exceptional representative and advocate for your firm, for your projects and for Lima. Unfortunately, given the unprecedented financial climate in which we find ourselves, we cannot proceed with the Los Alamos transaction. We wish you much success with the growth of your company and your future endeavors.

Please do not hesitate to contact any of us directly if you wish to discuss the matter further.

Best regards,

Gary Limjuco
Bijan Karimian

Gary M. Limjuco
Director of Equity Investments
Time Equities, Inc.
55 Fifth Avenue, 15th Floor
New York, New York 10003
212-206-6040 (direct phone)
212-727-0563 (fax)
glimjuco@timeequities.com

Documents Pertaining
to 416 Washington Street
deal.

From: "David Becker" <david@beckerbrothers.net>
Sent: Monday, October 6, 2008 1:34 PM
To: Francis Greenburger <fgreenburger@timeequities.com>
Cc: Bryan Becker <bryan@beckerbrothers.net>; Robert Kantor <rkantor@timeequities.com>
Subject: LIC Parking Garage

Hi Francis,

Looks like we are almost there in terms of getting this contract signed up. We need some guidance from you on how we should model our 25% interest so that we can complete our Executive Summary for our investors.

1) How is the income flowing through to our entity? Can I presume that we will be getting 25% of the NOI prior to any TEI asset management fees? We would like to be able to charge our investors an asset fee as well and are of course available to assist TEI in any way with the overall asset management responsibilities of the garage. Just need you tell us what it is you want us to do.

2) Need to know what the estimated total deal capitalization is. I understand the purchase price is \$4.3 million and that we are splitting all deal related closing costs on a pro rata basis (I will get estimate of closing costs from Phil Brody). The only other fee/bonus that I know we will be paying our share of is Hy Schermer. How much is that? As discussed, we will be modeling our own acquisition fee on our side not to impact the TEI side.

3) Can you please give us some guidance on what your refinancing strategy is. I know that it is just a guess at the moment given the current state of the financing world but we just need something reasonable to project to our investors. What loan assumptions should I make as this will be your call? 60-70% refi in 12 months?

Do not mean to be a bother, we just want to be clear about the cash flow that is flowing down to our entity so we can accurately project to investors and have some consistency in the pro forma.

I know you are busy and traveling this week so if it is easier for me to talk to Hy or Chris (Hy's analyst) or Bob K, please advise. Thanks.

David Becker
Becker Brothers LLC
55 Fifth Avenue, 18th Floor | New York, NY 10003
T 212 989 0678 ext 102 | F 212 658 9805
david@beckerbrothers.net | www.beckerbrothers.net

—Original Message—

From: Francis Greenburger [mailto:fgreenburger@timeequities.com]
Sent: Monday, September 22, 2008 7:20 PM
To: David Becker
Subject: Re: LIC Parking Garage

Hi David—My thoughts on the garage at the moment are to buy the deal all cash—I have a 1031 need coming up but need to find out whether the contract gets signed this week. I will need three million plus for this particularly need. My plan would be too close this year and refinance next year. This would leave 25% of the deal for you or about \$1,100,000.

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Let me know if this works for you.

Francis

Francis Greenburger
Chairman,
Time Equities, Inc.
55 Fifth Avenue, 15th floor
New York, NY 10003-4398

Phone 212-206-6001
Fax 212-206-6114
email: fgreenburger@timeequities.com

>>> "David Becker" <david@beckerbrothers.net> 09/22/08 2:26 PM >>>
Hi Francis,

Regarding LIC Garage:

1) Thanks for the note and we appreciate very much you allowing us to participate based on the conflict circumstances. We were hoping for a larger portion of the raise but in reading your email below about making sure you have enough for the TEI investors, we are hopeful there is a middle ground somewhere between 25-50%. Maybe 35-40%? Do not mean to sound ungrateful in the least bit but when I brought it down to you, we were going to ask you if you wanted 50% to do a co-syndication with us figuring it would be a good deal to offer to our collective investors. In the end, it is obviously your call, I am just asking for some flexibility above 25%.

2) Regardless of your financing strategy, we are prepared to take the full amount you're prepared to give us and won't do any "give backs." Again, before we knew you were already looking at it, we were prepared to move ahead with this deal even if you had said you did not want to buy it. That being said, we'd like to know what the plan is in advance so we can plan accordingly on our end and talk to investors. We planned on financing it on some basis. If your strategy is buy all cash with no financing, we'd like to know that sooner if possible.

3) Regarding Hy S, we of course have no problem with this at all and assumed that is how it would work. We are happy to see Hy S make money for source hopefully a good deal. The only brokerage concern I have is regarding Rhonda Rogovin (nothing economic to us) but Rhonda is asking me if we are participating with TEI because I told her once I found out that you were bidding, we were not going to compete against you. All she is looking for is to be able to go get something from her side internally (assuming we are actually participating). Seems reasonable but I told her I will talk to you about it first. Again, would not affect us, just internally on their side.

I spoke to Phil this morning and he said he was working on the contract. I scheduled time with you @ 12 pm on Wednesday to sort this and any other concerns you have out. If you want, we can act as acquisition

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D 65510

managers (if you want) so you do not have to exhaust any TEI resources. We are prepared to assist with the acquisition in any way that you need or want us to.

I will also give you an update on the Lakewood Garage deal in Ohio which seems to be back on track after a lengthy call on Friday to resolve open contract issues.

Thanks again.

David Becker

Becker Brothers LLC

55 Fifth Avenue, 18th Floor | New York, NY 10003

T 212 989 0678 ext 102 | F 212 658 9805

david@beckerbrothers.net | www.beckerbrothers.net

-----Original Message-----

From: Francis Greenburger [mailto:fgreenburger@timeequities.com]

Sent: Friday, September 19, 2008 5:55 AM

To: David Becker

Cc: Hy Schermer

Subject: Re: LIC Parking Garage

Hi David-We have offered \$4.3-let me see what the seller has to say. If we proceed with deal I will give you the opportunity to participate, however, there are various issues I will want to sort thru:

1)I will want to have enough equity available so that it is worth tel syndicating. This may mean that I suggest you take 25% instead of 50%. Also, I want you to be 100% confident that you can raise the share you sign up for-no "trade backs" as my kids would say.

2)I need to understand the financing possibilities. Depending on how I feel about them, I do not want to be at risk for \$430,000 deposit without being very clear about this. It might make sense to do this deal on an all cash basis-all equity.

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D 65511

3)I will need to pay Hy a bonus on the full deal since he brought it to me first.

Francis

Francis Greenburger
Chairman,
Time Equities, Inc.
55 Fifth Avenue, 15th floor
New York, NY 10003-4398

Phone 212-206-6001

Fax 212-206-6114

email: fgreenburger@timeequities.com

>>> "David Becker" <david@beckerbrothers.net> 09/18/08 4:58 PM >>>

Francis,

We are in a tough spot.

I know you said think about this one independently for the moment because you had already been looking at this deal but we are not comfortable competing against you (particularly when I believe it is you and us). That does not make any sense at all given who we are to each other.

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D 65512

I toured the garage today and believe it is a good buy. You know that we love parking garages; we brought this one to you right away because of the location and the safety in the net lease. Our thought was to see if you wanted to syndicate it together (we would take up to 50% on a straight up basis - no edge at all). If you were not interested, we probably would have pursued anyway.

Let me know what your thoughts are after you have a chance to sleep on it. We would like to joint venture with you. Not pressuring you in the least bit (you do not owe us anything) but we would like to know where you are on it so we can act accordingly.

Thanks Francis and I appreciated you making the time for me earlier on short notice.

David Becker

Becker <<mailto:mo@beckerbrothers.net>> Brothers LLC

55 Fifth Avenue, 18th Floor | New York, NY 10003

T 212 989 0678 ext 102 | F 212 558 9805

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D 65513

david@beckerbrothers.net <mailto:david@beckerbrothers.net> |

www.beckerbrothers.net <http://www.beckerbrothers.net/>

CONFIDENTIAL
D 65514

Documents Pertaining
to 245 W. 17th Street

From: fgreenburger@timeequities.com
Sent: Monday, January 19, 2009 10:02 AM
To: Jonathan.Miller@Grubb-Ellis.com
Subject: Re: Pressman 17

Jonathan-Bijan has completed running models and in fact will only be working for TEI for a few more days-so if Jim has any questions it would be best to ask them now. Another analyst will take over responsibility for the model that Bijan prepared but he will be less capable in answering Jim's questions than Bijan. Bottom line-Jim should ask his questions now.

Francis

Francis Greenburger
Chairman,
Time Equities, Inc.
55 Fifth Avenue, 15th floor
New York, NY 10003-4398

Phone 212-206-6001
Fax 212-206-6114
email: fgreenburger@timeequities.com

>>> "Miller, Jonathan" <Jonathan.Miller@Grubb-Ellis.com> 01/15/09 4:11
>>> PM >>>

Francis, I called Jim Yasser yesterday and had a pleasant conversation. I asked him if he had met with you and he said that was premature; that Bijan was still running models but that when you were ready he planned to meet. Jonathan

Jonathan S. Miller
Executive Managing Director
Grubb & Ellis New York, Inc.
1177 Avenue of the Americas, New York, NY 10036
Direct: 212.326.4909
www.grubb-ellis.com <blocked::http://www.grubb-ellis.com/>

From: rsinger@timeequities.com
Sent: Friday, January 23, 2009 10:22 AM
To: jfehskens@timeequities.com
Subject: Fwd: Re: 17th, 33rd, & 36th Streets

Fml path: media-01\data\00000005\4D075387.Time Equities.TEPO.100.1313368.1.53FD.1.fml

Jay - please see below and start understanding bijan's models - 17th street is first priority (it is an acq opportunity that FG is serious about).

Robert Singer
Time Equities, Inc.
55 5th Avenue
New York, NY 10003
T: 212-206-6097
F: 212-206-6114
rsinger@timeequities.com

>>> Bijan Karimian 1/23/2009 10:05 AM >>>
Francis,

The electronic files for the 3 properties are in the below directory:

H:\Bijan's_NYC Office Files

The paper files for 131w33 and 70w36 are in the cabinet in my filing cabinet. The files for 245 W. 17th Street are stacked on my desk. I will arrange the files and leave them with Rob. Let me know if there are any questions.

Bijan

>>> Francis Greenburger 1/22/2009 6:04 PM >>>

I have asked Rob to take over your file on 17th Street, as well as your old files on 33rd and 36th Street (both paper and computer proforma files). I would appreciate if you would meet with him and give him the relevant materials.

Thank you,
Francis

Francis Greenburger
Chairman,
Time Equities, Inc.
55 Fifth Avenue, 15th floor
New York, NY 10003-4398

Phone 212-206-6001
Fax 212-206-6114
email: fgreenburger@timeequities.com

From: rsinger@timeequities.com
Sent: Friday, January 23, 2009 1:09 PM
To: Bkarimian@timeequities.com; jfehskens@timeequities.com
Subject: Re: 17th, 33rd, & 36th Streets

Fml path: media-01\data\000000054D075376.Time Equities.TEPO.100.1313368.1.53E6.1.fml

let's do it Monday if possible in the afternoon - i have a property tour this afternoon - does 3pm Monday work?

Robert Singer
Time Equities, Inc..
55 5th Avenue
New York, NY 10003
T: 212-206-6097
F: 212-206-6114
rsinger@timeequities.com

>>> Bijan Karimian 1/23/2009 12:51 PM >>>
I can do it at 3.30pm

>>> Robert Singer 1/23/2009 11:03 AM >>>
Bijan - I'm downstairs looking through your files with Jay - do you have time today to walk through them with us, obviously there is a lot here. Let me know - thanks.

Robert Singer
Time Equities, Inc..
55 5th Avenue
New York, NY 10003
T: 212-206-6097
F: 212-206-6114
rsinger@timeequities.com

>>> Bijan Karimian 1/23/2009 10:05 AM >>>
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